## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ADRANIH ERNAY, ADRIAN ERNAY, WENDELL WESLEY, OTIS RAGLAND, and LINDA FAUST,

:

Plaintiffs, : CIVIL ACTION

NO. 10-1035

CHRIS SWATSKI and JOHN DOES #1 THROUGH #6,

v.

:

Defendants.

ORDER

AND NOW, this 22nd day of July 2011, upon consideration of Defendant Swatski's Motion for Summary Judgment (Document No. 11, filed April 5, 2011), Plaintiffs' Response to Defendant's Motion for Summary Judgment (Document No. 12, filed April 26, 2011), and Defendant Swatski's Reply In Support of Summary Judgment (Document No. 13, filed May 10, 2011), for the reasons set forth in the Memorandum dated July 22, 2011, Defendant Swatski's Motion for Summary Judgment is **GRANTED IN PART AND DENIED IN PART**, as follows:

- 1. The motion is **GRANTED** with respect to plaintiffs' claims against John Doe defendants #1 through #6;
- 2. The motion is **GRANTED** with respect to Count III, the claim of excessive use of force; and

Defendant's motion is **DENIED** in all other respects.

3.

BY THE COURT:
/s/ Hon. Jan E. DuBois
JAN E. DUBOIS, J.